

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HUNG PHOU NGUYEN,

Petitioner,

No. CIV S-02-2758 LKK JFM P

vs.

MIKE KNOWLES, et al.,

ORDER

Respondents.

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Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paid the filing fee for this action when the action was filed. Subsequently, on February 6, 2003, petitioner filed an application to proceed in forma pauperis, which was denied without prejudice since the filing fee had been paid. (See Order filed February 27, 2003.)

In light of the complexity of the legal issues involved, the court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Accordingly, the February 27, 2003 order will be vacated, petitioner's February 6, 2003 application to proceed in forma pauperis will be granted, and the Office of the Federal Defender will be appointed to represent petitioner.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. This court's February 27, 2003 order is vacated;

3 2. Petitioner's February 6, 2003 application to proceed in forma pauperis is
4 granted;

5 3. The Federal Defender is appointed to represent petitioner.

6 4. The Clerk of the Court is directed to serve a copy of the petition and this order
7 on David Porter, Assistant Federal Defender.

8 5. Petitioner's counsel shall contact the Clerk's Office to make arrangements for
9 copies of documents in the file.

10 6. A status conference is set for October 13, 2005, at 11:00 a.m. in Courtroom #
11 26.

12 7. All parties shall appear at the status conference by counsel.

13 8. Seven days prior to the conference, the parties shall file and serve status reports
14 which address the timing and order of the following matters:

15 a. Discovery and investigations;

16 b. Anticipated motions;

17 c. The need for and timing of an evidentiary hearing;

18 d. Enumeration and resolution of unexhausted claims; and

19 e. Possible future amendments to the pleadings.

20 The parties are advised that failure to timely file a status report may result in sanctions.

21 DATED: September 12, 2005.

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24 UNITED STATES MAGISTRATE JUDGE

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